

SEALED COMPETITIVE PROPOSALS

FOR

Hot Mix Asphalt Type D RFP 2022-006 PID: N/A

BIDDER'S NAME

(PLEASE PRINT CLEARLY)

CHECKLIST OF ITEMS TO BE RETURNED

The following items shall be returned in order for the bid submittal to be considered acceptable:

- | | |
|--|--|
| <input type="checkbox"/> Completed Bid Summary Sheet | <input type="checkbox"/> Bid Security |
| <input type="checkbox"/> Completed Unit Price Schedule | <input type="checkbox"/> Acknowledgment of Addenda |
| <input type="checkbox"/> Completed Bid Form | <input type="checkbox"/> Completed Bidder's Qualification Form |

PREPARED FOR:



1001 Buchanan Dr. Ste 4
Burnet, Tx 78611

**ADVERTISEMENT FOR SEALED COMPETITIVE PROPOSALS
RFP 2022-007**

Sealed competitive bids, in envelopes addressed to the City of Burnet, 1001 Buchanan Drive Suite 4, Burnet, Texas 78611, for the Hot Mix Asphalt Type D, PID: RFP 2022-007, in the City of Burnet, Texas, will be received at the above-mentioned address until **11:00 A.M., October 27, 2022**, and then publicly opened and read aloud. Bids may be opened via web; details will be made available on the City Website.

Submittals will be submitted in sealed envelopes and marked "Hot Mix Asphalt Type D Bid."

The Contract Documents and Specifications are available at the City of Burnet. Questions and requests for additional information shall be sent by email to: ebelaj@cityofburnet.com. For this project, all bidders will be **required** to accept Addenda and other pertinent information by email, as well as provide written acknowledgement of Addenda as prescribed in the Instructions to Bidders. **No questions or requests for additional information will be accepted later than 5:00 p.m., October 25, 2022.**

Bid packages will be available on the City of Burnet City Hall, located at 1001 Buchanan Drive Suite 4, Burnet, Texas 78611, Monday through Friday, 8:00 a.m. to 5:00 p.m. for viewing only. Project general conditions and standard specifications manual can be found on the City's website at www.cityofburnet.com

An optional pre-bid conference will be held on **October 25, 2022**, at 11:00 AM. However, due to COVID-19, the meeting will be held via web. Teams meeting details are: Meeting ID: **253 250 775 38**. Passcode: **TqTxPJ**

The City of reserves the right to waive any informality that is not detrimental to any other bidder or potential bidder or to reject all bids or to accept the best value bidder that in the judgment of the City Council will be in the best interest of the City.

No bidder may withdraw his bid within sixty (60) days after the actual date of opening thereof.

City of Burnet, Texas
Eric Belaj, City Engineer

Newspaper ad published twice:

Wednesday, October 12th, 2022
Wednesday, October 19th, 2022

CITY HAS COPY OF AFFIDAVIT OF PUBLICATION.

If you have any questions, please e-mail Eric Belaj at: ebelaj@cityofburnet.com.

003 ACKNOWLEDGMENT OF ADDENDA

Acknowledgement of Addenda:

All Addenda must be acknowledged below in the space provided. Alternatively, Addenda may be acknowledged on the outside of the sealed envelope submitted for bid next to the project name. Inclusion of the full text of any Addendum in this bid packet will also constitute the bidder's acknowledgement of that Addendum.

Bidder's Name: _____

(Fill in Bidder's Name exactly as it appears on pages 2 and 3 of the Bid Form)

I have received, acknowledge, and accept all of the following Addenda:

ADDENDUM NO.	SIGNATURE

Total Bid Amount in numbers:

Total bid in numbers (as tabulated on the Unit Price Schedule): \$ _____

The total bid in numbers above will be used to determine the apparent low bidder. The contract award will be based on bid amounts tabulated and verified by the Engineer.

PROPOSAL INSTRUCTIONS

Project supplements to general conditions and standard specifications manual can be found on the City's website at www.cityofburnet.com.

1. PROJECT

Objective of Request for Competitive Sealed Bids process is to competitively procure services with a qualified contractor whose Proposal provides best value for Owner for the project description below:

Material Bid for Hot Mix Asphalt Type D RFP: 2022-007, in the City of Burnet, Texas
*Base Bid: Provide 1,000 Tons to 1,500 Tons Type D HMAC per TxDOT Item 340 along with the point of production of the material. RAP is allowed. The City is looking for HMAC Production plants within 30 miles from the Center of the City of Burnet. In considering bids, the City **MAY** consider distance and apply the IRS issued Standard Mileage Rate of \$0.585 per mile to the overall cost of the material.*

Added Bid Alt1: NONE

2. PROPOSAL EVALUATION

Proposals will be received, publicly opened, and names and monetary Proposals of each Offeror read aloud. Subsequently, Proposals will be ranked according to criteria described in this Document. Both cost and non-cost factors will be evaluated according to section 2269 of the local government code.

Complete sets of Bid Documents must be used in preparing Proposals; neither Owner nor Engineer assumes any responsibility for errors or misinterpretations resulting from use of incomplete sets of Bid Documents. Dates, locations, and times of the proposal submittal are outlined in the Advertisement for Proposal.

Owner and Engineer, in making copies of Bid Documents available on above noted terms, do so only for purpose of obtaining Proposals for Work and do not confer a license or grant for any other use.

3. SELECTION CRITERIA

Owner will consider several factors in selecting a winning bidder as noted in the section 2269 of the of State of Texas Government Code, and other applicable state codes which allow and will provide best value to Owner. Bids will be evaluated using the following criteria and weighting:

1. Proposed Project Cost: Offeror's Proposed Cost of Performing Work shall be indicated in the Bid or Proposal Form.
2. The reputation of the bidder and of the bidder's goods or services: Provide general information about Organization and a Statement of Qualifications. Include information on Projects on similar which Offeror has had significant involvement in the last five (5) years, or that demonstrate experience with similar Projects. This list is to include name and a current telephone number of references for each of these Project assignments. Offerors are to include a list of current Project assignments for each of individuals proposed, anticipated completion date for this assignment and percentage of time they will have available to devote to this Project.
3. Experience/Qualifications of Sub-Contractor(s): Provide information on Sub-Contractor(s) who are to complete 25% of more of the project in terms of cost, qualifications including information on Projects of similar which Sub-Contractor(s) has been in charge of in the last five (5) years, or that demonstrate experience with similar Projects. This list is to include name and a current telephone number of references for each of these assignments. Subcontractor shall name a Superintendent who must be dedicated to this Project full time for duration of Project and may not be changed without written approval by Engineer. In the event that Contractor does not intend to outsource any work over

25%, then the evaluations criteria for the Contractor will be utilized to complete this portion of the evaluation.

4. Other Factors: Owner will consider other factors in evaluating Bids, including but not limited to the following:
 - a. The bidder's past relationship with the municipality.
 - b. Any relevant criteria specifically listed in the request for bids as noted herein.
 - c. Ability to Meet Proposed Time for Construction: Provide information to demonstrate ability of Organization to complete Projects within budget and on time.
 - d. Quality of Work: Demonstrated quality of Work on completed Projects as determined by site visits or discussions with references for Projects. Quality considerations may include appearance of completed Work, amount of warranty or rework required, durability and maintainability of completed Project, and quality of documentation provided.
 - e. Safety: Demonstrated success in implementation of a site safety program.
 - f. Claims Experience and Litigation History: Provide a list all claims or litigation involving construction Projects that have been filed by Offeror or Owner within last five (5) years, or that are currently outstanding.
 - g. Other factors submitted such as Financial Standing, Superintendent Experience, proposals for changes to reduce cost, or any other factors the Contractor submits for consideration.
 - h. For projects over \$1.5MM the municipality will attempt to award project to lowest responsible bidder.

The criteria and weighting for the ranking of Offeror's Proposals is as outlined Below:

<u>Item No.</u>	<u>Evaluation Criteria</u>	<u>Points</u>
1.	Project Cost	40
2.	Contractor Experience	20
3.	Distance Rel. Cost (Optional)	20
4.	Other Factors	20
TOTAL		100

In order to determine the Contractors ability to perform the work, the Owner may consider the qualifications and experience of Subcontractors, Suppliers, and other persons and organizations proposed for those portions of Work as to which identity of Subcontractors, Suppliers, and other persons and organizations must be submitted as provided in General Conditions. Owner may also consider the operating costs, maintenance requirements, performance data and guarantees of major items of materials and equipment proposed for incorporation in Work when such data is required to be submitted prior to recommendation of award.

Owner may consider qualifications (Statement of Qualifications) of Offerors and Offeror's subcontractors and consultants, in addition to proposed cost(s) (Proposal Form) when evaluating Proposals to determine which Proposal offers best value to Owner. Owner will rank each of Offeror's Proposals based on criteria and criteria weighting described herein.

Evaluation and ranking of Proposals will be completed no later than 45th calendar day from date of Proposal opening. Offerors are requested not to withdraw their Proposals within 60 calendar days from date on which Proposals are opened. Proposal Security of highest-ranking firms will be held by Owner until contract negotiations are finalized.

4. OTHER PROCEDURES

Owner may conduct such investigations as Owner deems necessary to assist in evaluation of any Proposal and to establish the responsibility, qualifications and financial ability of Offerors,

proposed Subcontractors, Suppliers and other persons and organizations to perform and furnish Work in accordance with Contract Documents to Owner's satisfaction within prescribed time.

Owner, at its discretion, may also choose to conduct interviews with top ranking Offerors to provide offerors a better opportunity to demonstrate they can provide best value to Owner for this Project. After bid opening, City staff, or representing committee, will contact the bidder appearing to offer best value for the City, and discuss any possible changes proposed. City staff, or representing committee, will then make recommendation to council for approval.

Failure to participate in the interview may result in disqualification from consideration for project. Should Owner choose to conduct interviews with top ranking Offerors, they will be notified of:

1. Time and place for interview.
2. Interview format and agenda.
3. Individuals that are expected to participate in the interview.

Owner reserves right to adopt most advantageous interpretation of Proposals submitted in case of ambiguity or lack of clearness in stating Proposal Prices, to reject any or all Proposals, and/or waive informalities.

Bidder Qualification Form - Construction

(Firm must prepare this statement in the form shown)

The undersigned bidder certifies that the information herein is true, correct, complete and accurate. Elaboration on the following information or additional information deemed to be useful for evaluation of bidder’s capabilities or to prevent misleading representations may be attached to this form. With exception to material and equipment suppliers, any subcontractor completing 25% or more of the project in terms of cost, is required to fill out this form.

Date: _____ Texas License Number: _____ Federal ID No.: _____

Bidder (Legal Name of Firm): _____

Address: _____ Phone Number: _____

_____ Fax Number: _____

City: _____ State: _____ Zip Code: _____ Email: _____

President (or Managing Partner, etc.): _____

Dun and Bradstreet Number (if any): _____

Years in Business Under Present Name: _____

List all other names under which your business has operated in the last 10 years:

Work Presently Under Contract (\$): _____

Work in place last year (\$): _____

Total Bonding Capacity (\$): _____

(Attach a letter from Bonding Co. evidencing bonding capacity)

Value of Work Presently Bonded (\$): _____

Bonding Company: _____

Bonding Agent: _____

Insurance Company: _____

Insurance Agent: _____ Phone: _____

Total Staff Employed by Firm (Break down by Managers and Trades on separate sheet): _____

Contracting Specialty (Indicate trades in which bidder performs): _____

Union Affiliations: Local National

Years Performing Work Specialty: _____ Percentage of Work Performed by Firm's Own Forces: _____

Is the Bidder in compliance with all applicable EEO requirements? Yes No
(If the answer is no, please attach summary of details on a separate sheet)

Bank References

Address: _____ Contact Name: _____

City: _____ State: _____ Zip Code: _____ Phone Number: _____

Has the firm or predecessor firm been involved in a bankruptcy or reorganization? Yes No
(If the answer is yes, please attach summary of details on a separate sheet)

Relevant Experience

Bidder should have successfully completed (substantially on-schedule, on-budget) at least three projects of similar size and nature for which they are submitting qualifications. List projects on a separate sheet with the following information on each and attach hereto:

- Project (Name, Location and Contact)
- Architect (N/A if not applicable)
- Engineer
- Contract Amount
- Date Completed (Month/Year)
- Scope of Work

List below any/all Contract(s) awarded to Bidder which it has failed to complete (If applicable, attach a separate sheet):

Project (Name and Location): _____

Contract with: _____

Brief Explanation of Cause and Resolution: _____

List on a sheet attached hereto all judgments, claims, arbitration proceedings, or suits pending or outstanding against bidder over the last five (5) years with amount of claim and brief description.

List on a sheet attached hereto all lawsuits or requested arbitration with regard to construction contracts which bidder has initiated within the last five (5) years and brief explanation of claim and outcome.

Attach to this form Bidder's current Financial Statement (assets/Liabilities), preferably audited.

Signature: _____

Name (Officer or Partner): _____

Title: _____

Date: _____

AFFIDAVIT OF AUTHENTICITY
Must be included with Bidder's Qualifications

STATE OF TEXAS :

COUNTY OF :

ON THIS, the _____ day of _____, _____, before me, a Notary Public, the undersigned officer,
personally appeared _____, who acknowledged her/himself to be the
_____ of _____
[title] *[Contractor's full name]*

being authorized to do so, executed the foregoing instrument for the purposes therein contained by signing the
name of the said contractor by her/himself as such _____, executed the
[title]
foregoing instrument for the purposes therein contained by signing her/his name.

STATE OF TEXAS :

COUNTY OF :

Sworn to and subscribed before me on the _____ day of _____, _____ (year), by _____
(name of signer)

Notary Public's Signature

BID SHORT FORM

Project name: **Type D HMAC per TxDOT Item 340, PID: RFP 2022-007**

Construction Description: Provide a proposal along with a statement of qualifications (SOQ) including the items laid out in the Scope of Work attached hereto.

We, the undersigned, propose to furnish all materials, labor, and equipment for the completion of this project and guarantee that if we are awarded the bid, we will furnish the goods in accordance with the attached specification. The Owner is exempt from payment of State and Local sales, excise and use taxes under section 151.309 of the Texas Tax Code.

THIS FORM MAY BE COPIED

TOTAL LUMP SUM PRICE: \$ _____ for 1,000 Tons of Asphalt Ty-D.

UNIT PRICE: \$ _____ for 1,000 – 1,500 Tons of Asphalt Ty-D.

By submitting this proposal, the submitter understands that they must enter into an agreement with the City for the award of this contract.

EXCEPTIONS:

BID PRICE IS GUARANTEED FOR 90 (NINETY) DAYS AFTER BID OPENING BY CITY

MINIMUM BID SPECIFICATIONS BID FORM: Construction of the project title noted above for the City of Burnet.

We, the undersigned, propose to furnish the item listed below and guarantee that if we are awarded the bid, we will furnish the goods in accordance with the attached documents and the City’s Technical Construction Standard Manual.

Authorized Signature Name of Firm: _____
Signature Date

Printed Name of Signee: _____

Firm Address: _____
Street No & Suite, City, State, Zip Code

Telephone Number: _____, Fax Number: _____

All Bids shall be submitted on forms supplied by the City.

Bid documents shall be submitted via mail or in person. It is the sole responsibility of the bidder to see that his bid is received on time.

BIDDERS (SUBMITTERS) QUALIFICATIONS:

The City shall have the right to take such steps as it deems necessary to determine the ability of the bidder, to perform his obligations under the Contract and the bidder shall furnish the City all such information and data for this purpose, as the City may request it. The right is reserved to reject any bid where an investigation of the available evidence or information does not satisfy the City, whereas the bidder is qualified to carry out properly the terms of the contract.

AWARD OF CONTRACT: REJECTION OF BIDS:

ESTIMATED QUANTITIES: It is estimated that the Owner will purchase the quantity stated in the Bid Form, on an as-needed basis, during the term of the contract. This represents a realistic estimate based on historical data for purposes of securing a quote. The quantities are not firm and are not hereby called for or ordered. These estimates do not constitute an order.

ADDITIONAL QUANTITIES: The Owner anticipates that it may require additional quantities of the goods described in the Bid Form. The bid price will apply to any additional quantities, including quantity discounts applied to the initial purchase. The Owner is not obligated to purchase any additional goods under this solicitation.

The Contract will be awarded to the responsible bidder submitting the best value evaluated bid complying with the specifications. Asphalt Plant or distribution location must be within 30-miles of the City of Burnet. The award of the Contract will be based upon consideration of not only cost, but other factors as noted in Section 252 and 2269 of the Local government Code. The City, however, reserves the right to reject any and all bids and to waive any formality in bids received whenever such rejection or waiver is in the City's interest. The Bidder to whom the award is made will be notified at the earliest possible. Please see proposal instructions for further guidance.

CONFLICT OF INTEREST QUESTIONNAIRE

FORM CIQ

For vendor or other person doing business with local governmental entity

This questionnaire reflects changes made to the law by H.B. 1491, 80th Leg., Regular Session.

This questionnaire is being filed in accordance with Chapter 176, Local Government Code by a person who has a business relationship as defined by Section 176.001(1-a) with a local governmental entity and the person meets requirements under Section 176.006(a).

By law this questionnaire must be filed with the records administrator of the local governmental entity not later than the 7th business day after the date the person becomes aware of facts that require the statement to be filed. See Section 176.006, Local Government Code.

A person commits an offense if the person knowingly violates Section 176.006, Local Government Code. An offense under this section is a Class C misdemeanor.

OFFICE USE ONLY

Date Received

1 Name of person who has a business relationship with local governmental entity.

2 Check this box if you are filing an update to a previously filed questionnaire.

(The law requires that you file an updated completed questionnaire with the appropriate filing authority not later than the 7th business day after the date the originally filed questionnaire becomes incomplete or inaccurate.)

3 Name of local government officer with whom filer has employment or business relationship.

Name of Officer

This section (item 3 including subparts A, B, C & D) must be completed for each officer with whom the filer has an employment or other business relationship as defined by Section 176.001(1-a), Local Government Code. Attach additional pages to this Form CIQ as necessary.

A. Is the local government officer named in this section receiving or likely to receive taxable income, other than investment income, from the filer of the questionnaire?

Yes No

B. Is the filer of the questionnaire receiving or likely to receive taxable income, other than investment income, from or at the direction of the local government officer named in this section AND the taxable income is not received from the local governmental entity?

Yes No

C. Is the filer of this questionnaire employed by a corporation or other business entity with respect to which the local government officer serves as an officer or director, or holds an ownership of 10 percent or more?

Yes No

D. Describe each employment or business relationship with the local government officer named in this section.

4 Signature of person doing business with the governmental entity

Date

Form TGC 2270

VERIFICATION REQUIRED BY TEXAS GOVERNMENT CODE CHAPTER 2270

Contract identifier: _____

Department: _____

By signing below, Company hereby verifies the following:

1. Company does not boycott Israel; and
2. Company will not boycott Israel during the term of the contract.

SIGNED BY: _____

Print Name of Person: _____
Signing, Title, and Company _____

Date signed: _____

STATE OF TEXAS §
COUNTY OF _____ §

BEFORE ME, the undersigned Notary Public on this day personally appeared _____ (Name), on behalf of _____ (Company) who being duly sworn, stated under oath that he/she has read the foregoing verification required by Texas Government Code Section 2270.002 and said statements contained therein are true and correct..

SWORN AND SUBSCRIBED TO before me, this _____ day of _____, 20____.

NOTARY OF PUBLIC,
FOR THE STATE OF TEXAS

My Commission Expires:

Government Code § 2270.002. Provision Required in Contract
Effective: September 1, 2017

A governmental entity may not enter into a contract with a company for goods or services unless the contract contains a written verification from the company that it:

- (1) does not boycott Israel; and
- (2) will not boycott Israel during the term of the contract.

The following definitions apply:

(1) "Boycott Israel" means refusing to deal with, terminating business activities with, or otherwise taking any action that is intended to penalize, inflict economic harm on, or limit commercial relations specifically with Israel, or with a person or entity doing business in Israel or in an Israeli-controlled territory, but does not include an action made for ordinary business purposes.

(2) "Company" means a for-profit sole proprietorship, organization, association, corporation, partnership, joint venture, limited partnership, limited liability partnership, or limited liability company, including a wholly owned subsidiary, majority-owned subsidiary, parent company, or affiliate of those entities or business associations that exists to make a profit.

(3) "Governmental entity" means a state agency or political subdivision of this state.

State law requires verification from a Company for contracts involving goods or services (regardless of the amount) before the City can enter into the contract.



REQUEST FOR SEALED COMPETITIVE BIDS

Hot Mix Asphalt Type D

SCOPE OF WORK

RFP FOR Hot Mix Asphalt Type D**1. KEY INFORMATION**

PROPOSALS SENT TO: ERIC BELAJ
 1001 BUCHANAN DR. SUITE 4
 BURNET, TX 78611
 (512) 715-3217

QUESTIONS DUE BY: 5:00 P.M., OCTOBER 25, 2022

PROPOSAL DUE BY: 11:00 A.M., OCTOBER 27, 2022

This solicitation is a Request for Sealed Competitive Bid (or RFP). The City of Burnet (City) is requesting submittals from qualified firms or individuals interested in providing the City with materials for type D hot mix asphalt (HMAC TY-D). Design, produce, store, transport, place, and compact the specified paving mixture in accordance with the requirements of TxDOT Item 340. RAP IS allowed.

The City reserves the right to negotiate with any and all persons or firms. The City also reserves the right to reject any or all submittals, or to accept any submittal deemed most advantageous, or to waive any irregularities or informalities in the submittal received, and to revise the process schedule as circumstances arise.

If a Respondent finds a discrepancy in, or omission from, or has a question about the meaning of, this RFP or other related documents, the Respondent should immediately notify the City.

By submitting a response to this RFP, each firm (or Respondent) unequivocally acknowledges that they have read and fully understand this RFP, have asked questions, and received satisfactory answers from the City regarding any provisions of this RFP with regard to which clarification was desired. The City of Burnet is not liable for any costs incurred by the Respondent in replying to this RFP.

2. INTRODUCTION

The City of Burnet is concentrating significant effort to rehabilitating the public streets withing its Right of Way Jurisdiction. Some of the work will be done by bidding out turn key projects, while others will be done in-house with the assistance of Burnet County. This bid is being issued in response to an interlocal agreement with the County.

3. SCOPE OF WORK

The general scope of work shall include but not limited to the following:

Provide Type D HMAC per TxDOT Item 340 along with the point of production of the material. The City is looking for HMAC Production plants within 30 miles from the Center of the City of Burnet.

Bidder may submit to City for review and approval a different equivalent material or plant not fully matching these parameters prior to bid. The City will require 1-week review of any alternates. Proposed alternatives must be comparable to the mentioned criteria in reliability, availability, maintenance records, and availability of nearby qualified suppliers.

Please note that the City of Burnet is a Tax-Exempt entity, and as such the City will not pay any associated taxes on materials or workmanship for this project. Contractor is responsible for obtaining a Tax-Exempt certificate from the City for any purchases associated with the project.

1. Provide at the asphalt plant Type D HMAC as noted above. The quantities will vary between 1,000 Tons to 1,500 tons of HMAC TY-D.
2. The City anticipates ordering not less than 300-Tons per Day and not more than 600-Tons per Day under this contract.
3. The bid does not include delivery. The City will either haul material with its own forces or separately hire a hauling contractor.
4. The material must be available within 2 weeks of bid award.
5. The City will give not less than 2-week notice.
6. The bids and pricing should remain unchanged for not less than 3-months. After 3-months the supplier may raise or lower the price based on the Average Price of the Gulf Coast Oil Index. The price will be comparable to the oil price index at the opening bid day.

4. PROPOSAL

The Respondent should provide information that indicate experience and expertise in the field, including but not limited to the following:

1. Submit in sealed envelope, clearly mark "**Hot Mix Asphalt Type D RFP: 2022-07.**" Add to cover on envelope, name and address of the respondent.
2. Name, address, phone number, and email address of the person the City should contact with any questions regarding the response submission.
3. Demonstrate to have conducted such similar project within the last 5-years. Submit qualifications of key personnel who are intended to work or manage the City's project.

Questions and Addenda: Questions should be submitted electronically to Eric Belaj at ebelaj@cityofburnet.com.

5. RFP EVALUATION AND SELECTION

Only complete responses containing the required submittal documents and meeting qualifications will be considered. Minor inconsistencies or deviations may be waived at the City's sole discretion. The City will rank all proposals that are complete and responsive to the requirements of the RFQ and may select the Respondent whose proposal offers the apparent best value to the City. Each proposal will be evaluated based on best value to the City and its taxpayers. Owner will consider several factors in selecting a winning bidder as noted in the section 252.043 and 2269 of the of State of Texas Government Code, and other applicable state codes which allow and will provide best value to Owner.

If for any reason of force majeure, either the contractor or the City shall be rendered unable, wholly or in part, to comply with this RFQ, the parties shall give notice of the reasons within a reasonable time after the occurrence of the event, which shall be defined as acts of God, natural or man-made disasters which interrupt operations and cannot be reasonable avoided, unavoidable civil disturbances, or other generally defined force majeure conditions. Force majeure shall not be used as absolute grounds for failing to perform. Force majeure shall be one of the conditions precedents for excusing performance under the RFQ.

Evaluation: The City may set up a Review Committee to evaluate and select a Respondent.

Respondents shall not contact members of the evaluation team.

The Respondent's qualifications will initially be scored on a pass/fail basis. It is the Respondent's obligation to ensure referenced projects are relevant and the scope performed is clear to the evaluation team. If the Respondent's qualifications demonstrate the minimum qualifications, the response will be further evaluated and ranked. Respondents that do not demonstrate that they meet the qualification criteria may not receive further consideration, and their technical responses may not be evaluated.

The response may be disqualified if the City is unable to verify qualification and experience requirements from the Respondent's references. The response may be disqualified if the City receives negative responses. The City will be the sole judge of references.

Award: Following evaluation, the City's project manager may inform the City Council regarding the proposal determined to provide the apparent best value to the City. The Council may favor or object the recommendation, and if permitted, will authorize the City Staff to negotiate with the apparent best Respondent. If it appears that the proposals will not provide the City with the overall best value, the City will then in its sole discretion, may either (1) reject all proposals, (2) modify the RFQ and begin again the solicitation, or (3) proceed to the next most highly ranked proposal and attempt to negotiate an agreement with that Respondent. Selections may be based on the City authorizing staff to negotiate individual projects. Respondents may be required to make presentations and/or provide written clarifications of their responses at the request of the City.

Type of award shall be either:

1. Single Award: One agreement shall be awarded to a single Respondent.
Or
2. Term of Agreement: The agreement shall be for an initial term of one year from the date of execution on the contract for the project.
Or
3. Any combination of the two methods above.